

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-405

19 December 1980

MEMORANDUM FOR: Chairman, Security Committee

FROM:

[Redacted]
Executive Secretary

SUBJECT: SECOM Letter to OPM/DoD
Interagency Task Group

1. The SECOM has been asked to comment on the Task Group's proposal for designating the sensitivity of Government positions and their accompanying investigative requirements. The attached draft was circulated to all SECOM members for approval or comments by ~~21~~ ¹⁷ November 1980 (see Attachment 1).

2. Despite several inquiries, OSD has not yet responded to our request but has informally indicated an intent to nonconcur in the SECOM recommendations as noted by the draft memorandum at Attachment 2. A staff analysis of that memorandum is provided in Attachment 3. As the only SECOM member to nonconcur, OSD continues to take direct issue with the SECOM majority opinion, the evidence offered in the Working Group's Personnel Security Survey, and the remarks made by you as Director of Security, CIA, in your letter of 14 November to Pete Garcia on the same subject.

3. The OPM/DoD Interagency Task Group plans to meet again on 23 December for discussion of its proposal in FPM Bulletin 732-3. The SECOM observer to that group has not been invited but has been informed that the agenda will include consideration of all comments received to date from interested Executive Branch parties. Further delay in sending the proposed SECOM letter would ensure that the Intelligence Community recommendations will not be considered by the Task Group at its meeting. In view of the fact that Tom O'Brien is co-chairman of the Task Group and will undoubtedly present the OSD position anyway, it would seem undesirable to wait any longer for the OSD SECOM member to respond formally to our 17 November request.

On file OSD release instructions apply.

4. Accordingly, it is recommended that you sign the letter at Attachment 1 as written. I will then inform Maynard Anderson that, in view of the need for a timely response from SECOM, we could wait no longer for the OSD nonconcurrency.



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Attachments

MEMORANDUM FOR CHAIRMAN, DCI SECURITY COMMITTEE

SUBJECT: SECOM Letter to OPM/DoD Interagency Task Group

Reference is made to your draft letter SECOM-D-388 to the OPM/DoD Interagency Task Group in which you recommend a 15 year investigative scope as well as a periodic reinvestigation for access to TOP SECRET information.

While we appreciate the Security Committee's concern and interest in the collateral security clearance program, the position of the Office of the Secretary of Defense remains essentially unchanged from that contained in our memorandum to you of August 11, 1980 concerning the Personnel Security Survey (Encl). It was our contention then, as now, that the 15 year period of coverage appears questionable for access to sensitive compartmented information (SCI) and not necessarily supported by the results of the Personnel Security Survey. This is borne out by the fact that of 5,204 investigations reviewed during the Personnel Security Survey, 254 resulted in an adverse action of which only six (6) required coverage up to 15 years. Since we have been unable to obtain these six cases for further examination and apparently no one on the working group actually reviewed the cases for accuracy, it would seem premature to recommend continuation of the 15 year scope for access to SCI, not to mention TOP SECRET. Due to the very substantial resource implications of such a recommendation on DoD, it is recommended that a follow-on survey be conducted to validate the period of investigative coverage conclusions, to include review of the cases by members of the ISWG.

Applying the 15 year standard for all Background Investigations for access to TOP SECRET would represent a significant increase in investigative coverage (5 years vs 15 years) which would seriously degrade the ability of the Defense Investigative Service (DIS) to conduct timely investigation. At the current level of effort, DIS investigative backlogs continue to increase dramatically so that it now takes in excess of 120 days on the average to complete a background investigation. This situation has caused serious operational difficulties within the military services and intelligence agencies. Adoption of the 15 year investigative scope for TOP SECRET would only serve to exacerbate the present unacceptable delays.

It has been our experience within DoD that the investigative scope for TOP SECRET frequently reveals a significant amount of information far in excess of the required five year coverage. At the same time our studies have shown that derogatory information beyond the

5 year scope usually does not provide the basis for denial or revocation of a clearance.

Since July 1974, OSD has not required periodic reinvestigations for access to TOP SECRET unless the subject's behavior or activities indicate he or she may pose a potential security risk. We are satisfied that procedures currently in effect for reporting and investigating such information on a case-by-case basis, are adequate without incurring the additional expense and delay to DIS of conducting reinvestigations on a routine basis.

Regarding recommendation three, it is our position that references to SCI and DCID 1/14 are appropriate for inclusion in the OPM/DoD position sensitivity designations inasmuch as they constitute sensitive positions which are becoming more numerous with the military, civilian and contractor spheres. Exclusion of this population from the study would make them conspicuous by their absence and thus weaken the attempt to comply with GAO recommendations for a more coherent, rational and cost-effective program for determining position sensitivity.

L. Britt Snider
Director
Counterintelligence & Security
Policy

Attachment

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SECOM STAFF ANALYSIS OF OSD MEMORANDUM

(responding to SECOM-D-390)

1. OSD is the only SECOM member to non-concur with the draft SECOM letter to the OPM/DOD Interagency Task Group (SECOM-D-388). The proposed letter recommends that the task group consider and adopt three recommendations:

a) 15-year investigative scope for access to TOP SECRET information;

b) A periodic reinvestigation program for persons holding TOP SECRET clearances; and

c) Deletion of references to SCI, DCID 1/14, and intelligence matters from the task group's report.

2. The OSD dissent is remarkable. It is replete with prejudiced and inaccurate assertions, distortions of fact, and self-defeating obstructionism. It is particularly remarkable that a high-ranking counterintelligence and security policy official would take such a disparaging and irrational view of personnel security.

3. Comments on Paragraph 2 of the OSD Non-Concurrence.
In contending that the 15-year period of investigative coverage is unacceptable for TOP SECRET clearance and SCI access, OSD continues to question the results of the Personnel Security Survey. Such bias seems curious in view of the fact that the survey results clearly support a 15-year period of coverage and the statistics were provided in large part by DOD investigators and DOD adjudicators. Mr. Snider and his colleagues also seem to be saying that they are willing to accept six (6) readily-identified security risks in every 5,000 cases. The OSD recommendation for a follow-on survey completely reverses the 11 August position and now endorses the Investigative Standards Working Group recommendation of 5 June, but for different reasons.

4. Comments on Paragraph 3.
OSD makes the damaging admission that unacceptable delays currently exist in background investigations conducted by the Defense Investigative Service. Since its inception, DIS has been unable to conduct timely investigations. Surely, the solution does not lie in the direction of degrading security assurance as could be inferred from the OSD memorandum. Meanwhile, OSD continues to reject on highly emotional grounds any suggestion that a polygraph examination policy could help eliminate unacceptable delays in personnel security processing.

5. Comments on Paragraph 4.
OSD states that its experience with background investigations reveals

a significant amount of information "far in excess of the required 5-year period of coverage." Although probably not intended, that statement supports statistical evidence offered in the Personnel Security Survey. The last sentence in this paragraph doesn't seem to be very meaningful.

6. Comments on Paragraph 5.

It is interesting to note that OSD stopped periodic reinvestigations in 1974 because of reductions in investigative resources. - OSD now seems to be satisfied to live with the notion that circumstances which develop after granting an initial clearance are irrelevant.

7. Comments on Paragraph 6.

Statements in this paragraph may easily be inferred to mean that OSD continues to challenge the DCI's jurisdictional authority in intelligence matters (as in the 11 August memorandum). OSD also seems to emphasize a cost-effective personnel security program at the expense of safeguarding the National Security.

8. The OSD Memorandum should be disregarded and the SECOM Chairman should sign the letter to the OPM/DOD Interagency Task Group as written.